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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-194*

11 **ERIA LEOPANDO VILLALOBOS**
12 **260 Kings Canyon Road**
13 **Beaumont, CA 92223**

A C C U S A T I O N

14 **Registered Nurse License No. 272386**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

- 18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing.
- 20 2. On or about October 31, 1976, the Board of Registered Nursing (Board) issued
21 Registered Nurse License Number 272386 to Eria Leopando Villalobos (Respondent). The
22 Registered Nurse License was in full force and effect at all times relevant to the charges brought
23 herein and will expire on January 31, 2014, unless renewed.

24 **JURISDICTION**

- 25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.

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1 10. California Code of Regulations, Title 16, section 1443.5 states:

2 A registered nurse shall be considered to be competent when he/she
3 consistently demonstrates the ability to transfer scientific knowledge from social,
4 biological and physical sciences in applying the nursing process, as follows:

5 (1) Formulates a nursing diagnosis through observation of the client's physical
6 condition and behavior, and through interpretation of information obtained from the
7 client and others, including the health team.

8 (2) Formulates a care plan, in collaboration with the client, which ensures that
9 direct and indirect nursing care services provide for the client's safety, comfort,
10 hygiene, and protection, and for disease prevention and restorative measures.

11 (3) Performs skills essential to the kind of nursing action to be taken, explains
12 the health treatment to the client and family and teaches the client and family how to
13 care for the client's health needs.

14 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
15 subordinates and on the preparation and capability needed in the tasks to be
16 delegated, and effectively supervises nursing care being given by subordinates.

17 (5) Evaluates the effectiveness of the care plan through observation of the
18 client's physical condition and behavior, signs and symptoms of illness, and reactions
19 to treatment and through communication with the client and health team members,
20 and modifies the plan as needed.

21 (6) Acts as the client's advocate, as circumstances require, by initiating action
22 to improve health care or to change decisions or activities which are against the
23 interests or wishes of the client, and by giving the client the opportunity to make
24 informed decisions about health care before it is provided."

25 **COST RECOVERY**

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

29 **DRUG DEFINITION**

30 12. Cardizem is the brand name of the drug Diltiazem, which is used to treat
31 hypertension, angina and certain heart rhythm disorders. Diltiazem is a calcium-channel blocker
32 used to relax the blood vessels and increase the supply of blood and oxygen to the heart. It is not
33 a scheduled drug, but can be fatal if an overdose is taken. It is a dangerous drug pursuant to
34 Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

13. Between 2008 and 2010, Respondent worked as a registered nurse at Promise Hospital of East Los Angeles (Promise Hospital) as the night shift supervisor. As the night shift supervisor, Respondent had the ability to override medication profiles contained in the Pyxis¹ machine by using her individual access code. Promise Hospital policy requires nurses not to reveal their personal access code to anyone, for patient safety reasons. Whenever a nurse needs to override the Pyxis machine to obtain additional medication, a nursing supervisor for that specific shift is mandated to witness the override.

14. On January 26, 2010, Patient A, a 92-year old female, was admitted to Promise Hospital due to respiratory failure, pneumonia, congestive heart failure, and cardiac arrhythmia, among other things.

15. On March 22, 2010, Patient A's physician ordered 60 mg of Cardizem to be administered to Patient A every eight hours. Licensed vocational nurse LV, correctly wrote the order for 60 mg of Cardizem every eight hours on the Physician Order Sheet, but incorrectly transcribed the order as 600 mg on the Medication Administration Record (MAR). Although Nurse LV incorrectly transcribed the dosage, she gave the patient the correct dosage of 60 mg on March 22, 2010.

16. At approximately midnight on March 25, 2010, the hospital pharmacy audited all patient medication orders. In this case, the pharmacy caught the transcription error on the MAR and corrected the order to 60 mg Cardizem. However, the night shift licensed vocational nurse MM, crossed out the pharmacy's corrected order and wrote in the wrong dosage of 600 mg from the MAR, without checking the doctor's order sheet.

17. Between March 22- 24, 2010, MM administered four doses of 600 mg of Cardizem to Patient A. The first dose was dispensed and administered on March 22, 2010, at approximately

¹ A Pyxis machine is a medication dispensing station contained in most hospitals. Access to the machine requires that the user insert a personalized secret passcode to access the medication. In some hospitals, fingerprints are used instead of passcodes. Override medications are medications that can be accessed by nursing staff from the Pyxis machine before review of an order by the pharmacist. Overrides were only permitted on night shifts at Promise Hospital and only with supervisor approval and assistance.

1 8:40 p.m. The second dose was dispensed and administered on March 23, 2010 at approximately
2 4:58 a.m. The third dose was dispensed and administered on March 23, 2010 at approximately
3 7:58 p.m. The last dose was dispensed and administered on March 24, 2010 at approximately
4 4:39 a.m. Approximately six hours after receiving the last dose, Patient A's heart rate stopped
5 and a code blue was called. Patient A was revived, but required intubation and was transferred to
6 the Intensive Care Unit.

7 18. On March 22, 2010, Respondent was assigned as the night shift supervisor.
8 Respondent used her Pyxis access code to override the system and assist MM in obtaining the 600
9 mg dose of Cardizem. The Pyxis printout confirms that Respondent's access code was used at
10 8:40 p.m. on March 22, 2010 to withdraw 600 mg of Cardizem.

11 19. On or about March 25, 2010, Respondent met with hospital personnel regarding
12 Patient A. Respondent admitted that on March 22, 2010, she accompanied MM to the Pyxis
13 machine and entered her access code to permit MM to enter the system, but that she "only
14 glanced at the medication administration sheet for confirmation" rather than reviewing the
15 physician's order. Respondent further admitted that she only punched in her access code and left
16 the medication room, instead of watching what medication was retrieved and confirming that the
17 drug and dosage were appropriate, thereby by-passing safety protocols that were put in place to
18 prevent such occurrences.

19 20. Respondent was terminated from employment at Promise Hospital due to this
20 incident.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Gross Negligence)**

23 21. Respondent is subject to disciplinary action under Code section 2761, subdivision
24 (a)(1) on the grounds of unprofessional conduct that during her employment at Promise Hospital,
25 Respondent was grossly negligent when she repeatedly failed to provide nursing care as required
26 and/or failed to provide care or exercise ordinary precaution when she knew or should have
27 known failure to do so could have jeopardized Patient A's health or life as follows:
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1 a. Respondent performed a Pyxis override without checking the physician's order to
2 ensure that the override was appropriate; and

3 b. Respondent violated hospital policy by failing to observe MM withdraw the
4 medication from the machine.

5 22. Complainant refers to and incorporates all the allegations contained in paragraphs 13
6 20, as though set forth fully.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct – Incompetence)**

9 23. Respondent is subject to disciplinary action under Code section 2761, subdivision
10 (a)(1) on the grounds of unprofessional conduct in that during her employment at Promise
11 Hospital, Respondent demonstrated incompetence, as she failed to exercise the degree of learning,
12 skill, care and experience ordinarily possessed and exercised by a competent registered nurse, as
13 follows:

14 a. Respondent performed a Pyxis override without checking the physician's order to
15 ensure that the override was appropriate; and

16 b. Respondent violated hospital policy by failing to observe MM withdraw the
17 medication from the Pyxis machine.

18 24. Complainant refers to and incorporates all the allegations contained in paragraphs 13
19 20, as though set forth fully.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Department of Consumer Affairs issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 272386, issued to Eria
24 Leopando Villalobos;

25 2. Ordering Eria Leopando Villalobos to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3; and

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3 3. Taking such other and further action as deemed necessary and proper.

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DATED: SEPTEMBER 18, 2012

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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